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February 2, 2017

Ms. Lily Lee, SFD-8-3
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Subject: Contract No. EP-W-07-066 / Task Order No. 066-25-09P3, Hunters Point Shipyard, Review of the Responses to Comments on the Draft Radiological Data Evaluation Plan, Former Hunter's Point Naval Shipyard (HPNS), San Francisco, California, and the Revised Draft Radiological Data Evaluation Plan, Former Hunter's Point Naval Shipyard (HPNS), San Francisco, California, January 2017

Dear Ms. Lee:

Enclosed please find TechLaw's Review of the responses to Comments on the Draft Radiological Data Evaluation Plan, Former Hunter's Point Naval Shipyard (HPNS), San Francisco, California and the Revised Radiological Data Evaluation Plan, Former Hunter's Point Naval Shipyard (HPNS), San Francisco, California, dated January 26, 2017.

These comments are being forwarded to you by electronic mail in Word format. TechLaw understands you will review and augment the comments at your discretion.

Thank you for the opportunity to provide the U.S. EPA with technical oversight services for Hunters Point Naval Shipyard. Should you have any questions or comments, please contact Ms. Karla Brasaemle at (415) 762-0566.

Sincerely,

A handwritten signature in cursive script that reads 'Indira D. Balkissoon'.

Indira Balkissoon
ROC 9 Senior Task Order Manager

KB:JD:JB:as

cc: Central Files, TechLaw, Inc.

[FILENAME]

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**Review of the Responses to Comments on the Draft Radiological Data Evaluation Plan,
Former Hunter's Point Naval Shipyard (HPNS), San Francisco, California, and the
Revised Draft Radiological Data Evaluation Plan, Former Hunter's Point Naval
Shipyard (HPNS), San Francisco, California, January 2017**

Evaluation of the Response to Specific Comment (SC) 5a: The response does not address the comment. The response does not address outliers or discuss issues with identifying outliers, given the large size of the data set. For example, outliers that may be identified in an area or survey unit (SU) data set (e.g., 20 to 200 samples) would not be identified if the entire data set is used. Please provide more information about the process for identifying outliers.

Evaluation of the Response to SC 8: The response partially addresses the comment. The last sentence of the response indicates that based on the statistical tests, it is possible to conclude that data has not been manipulated. However, during Tiger Team meetings, it has been stated that falsification of only a few sample results in a SU cannot be identified by statistical tests. Since falsification could have included only a few samples in a data set and this cannot be identified by the statistical tests, it should not be concluded that the data alone can be used to support decision for transfer of the real property. As EPA has previously stated, some sampling (e.g., in high risk areas) will likely be required. Please delete statements about transfer based only on statistical tests from the Revised Draft Radiological Data Evaluation Plan, Former Hunter's Point Naval Shipyard (the Evaluation Plan).

Evaluation of the Response to SC 12: The response does not address the comment. It appears that there may still be some misunderstandings about the intent of the comment. The Evaluation Plan should discuss how data sets that do not have a normal distribution will be handled for tests that assume a normal distribution. In addition, data with total propagated uncertainty (TPU) error that exceeds the reported results should be considered for Phase 2 investigation. Please discuss how data sets that do not have a normal distribution will be handled and ensure that data with TPU error that exceeds the reported results be considered during Phase 2.

Evaluation of the Response to SC 14a and SC 15: The responses do not address the comments. Please review the original comments and explain how outliers will be identified.

Evaluation of the Response to SC 15: The response does not address the comment. It is unclear how posting plots can be used to identify the case where samples were not collected from the randomly selected area, but instead were collected from an area that was known to be less contaminated. Please address this issue.

Evaluation of the Response to SC 17b: The response does not address the comment; simply referring to "the response to EPA Specific Comment #2 is insufficient." Please revise the response to specifically address the original comment.

Evaluation of the Response to SC 18: The response partially addresses the comment. It is unclear how the statistical tests can be used to identify falsification where the first digit only was changed to 0 or 1, as discussed in the original comment. Please explain how this type of falsification can be identified if only one or two samples in a survey unit have modified results.

ADDITIONAL COMMENTS

1. **Section 2 (Data Evaluation Plan), Step 1 Evaluation:** There are several concerns associated with the Step 1 Evaluation. The first bullet in the Phase I Evaluation states “A statistically determined number of reports and individual data results from written reports (RACRs/SUPRs) will be compared with electronic results of NIRIS and Tetra Tech EC databases to identify potential manipulation. This analysis is biased toward reports from sites with areas with the greatest exceedances of cleanup levels prior to remediation being selected more often than reports from sites with less exceedances prior to remediation. Data will also be compared to laboratory reports once they are obtained. It should be noted that the Navy RASO [Radiological Affairs Service Office] reviewed original laboratory data reports so falsification of the laboratory results database, if it occurred, is not likely to have affected decision-making.”
 - a. While it is understood that a statistical number of data reports were checked to determine the accuracy of results between the NIRIS and Tetra Tech EC databases, it is not clear how the process to identify data outliers will proceed given that there are multiple databases that have been determined to contain discrepancies. Additionally, as noted in General Comments 1 and 2, use of data should be based on a determination that it is sufficiently reliable. Please provide a more detailed data evaluation plan that specifies which databases and/or hard copy data reports will or are being accessed to perform data anomaly evaluations. Please ensure that the data evaluation plan also discusses how the sources of data were determined to be comparable for meaningful statistical analysis and evaluation. This should include listing the source of the data sets, the timeframe the data was collected, whether the counting and/or total propagated uncertainty associated with such results was reported and evaluated, and any other pertinent information related to the quality/reliability of such data sets.
 - b. The statements in this first bulleted item indicate that because RASO reviewed original laboratory data reports, falsification of the database, if it occurred, is not likely to have affected decision-making. However, review of laboratory data reports does not preclude the possibility that samples were tampered with prior to analysis; therefore this statement appears to be misleading and should be revised as such. Please revise the data evaluation plan to re-word this statement to also communicate the need to evaluate data to determine whether samples were substituted and/or other such means were used to falsify results.
2. **Section 2 (Data Evaluation Plan), Step 1 – Identify the Problem:** The Navy is identified as the primary decision maker. However, the data evaluation plan does not acknowledge that the regulatory stakeholders fulfill oversight and regulatory compliance assessment roles, and therefore are also part of the decision making team. Please revise this statement to acknowledge the collaborative process for ensuring cleanup at the Hunter’s Point Naval Shipyard (HPNS) complies with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cleanup process, as well as compliance with all State and Federal environmental, radiological, and safety regulations.